

**MARIN COUNTY DEPARTMENT OF AGRICULTURE
ENFORCEMENT WORK PLAN
FOR FISCAL YEARS
2006/2007
2007/2008
2008/2009**

County of Marin

Name:



Stacy Carlsen

Title: Agricultural Commissioner

Dated: February 23, 2007

Department of Pesticide Regulation

Name:

Title:

Dated: March 12, 2007

MARIN COUNTY DEPARTMENT OF AGRICULTURE ENFORCEMENT WORK PLAN FOR 2006/2007

Department Overview

The Marin County Department of Agriculture/Weights and Measures consists of 13 employees; the commissioner/sealer, 1 deputy, 1 supervising inspector, 7 inspectors, 2 clerical staff, and 1 seasonal field technician (glassy-winged sharpshooter inspector). We do not have a special division solely devoted to pesticide use enforcement (PUE). In addition to PUE, staff members perform duties in all the various agricultural commissioner/sealer programs which include pest detection, pest eradication, pest management, the Marin/Sonoma Weed Management Area, pest exclusion, high risk pest exclusion, seed inspection, nursery inspection, direct marketing, organic inspections, egg inspection, crop and livestock statistics, and weights and measures inspections of devices used for products sold by weight, measure or time. This also includes inspections that assure that commodities are accurately represented as to quantity and price extension, and inspections that assure that scanners are pricing accurately. Our petroleum inspections ensures that petroleum products meet minimum state standards and our weighmaster program assures commercial transactions by individuals or firms, in the absence of a third party, issue accurate certificates when weighing or measuring bulk commodities. In addition, the Marin County Agricultural Commissioner's Office offers an organic certification program, MOCA, (Marin Organic Certified Agriculture) to local qualified agricultural producers and handlers. We also developed and now manage a sustainable livestock protection program that provides cost sharing for non-lethal methods of predator control. And lastly, there is the Marin County Agriculture Department Grass Fed Livestock Certification program whose purpose is to provide local grass fed livestock producers with a program which will provide the local livestock industry with the incentive to pursue innovative and sustainable animal agriculture principles, encourage sustainable agricultural and land management practices, increase marketing opportunities, and promote more natural animal management practices.

Pesticide Use Enforcement Resources

◇ Personnel

- 1 Commissioner devoting 441 PUE hours yearly.
- 1 Deputy Agricultural Commissioner devoting 418 PUE hours yearly.
- 1 Supervising Agriculture/Weights and Measures Inspector devoting 977 PUE hours yearly
- 7 Agriculture/Weights and Measures Inspectors devoting 2,226 PUE hours yearly.
 - 1. Please note one inspector will be out on leave for approximately 6 months
- 2 Clerical positions devoting 778 PUE hours yearly.

◇ People hours available for the PUE

- Approximately 4,320 hours are currently available for PUE
- This includes supervision and clerical hours.
- One staff member is out on leave for approximately 6 – 12 months. Current staff is adjusting to adequately accommodate existing requirements of the PUE program, but if PUE requirements are expanded, staffing will not be adequate.

Pesticide Use Enforcement Average Work Activities

- Issue 54 Restricted Material Permits.
- Issue 40 Operator Identification Numbers.
- 5% of pre application site inspections – 20 pre sites.
- 135 restricted material Notice of Intents reviewed.
- 22 agricultural application inspections.
- 2 field worker safety inspections.
- 7 agricultural mix/load inspections.
- 18 branch 1 structural fumigation inspections.
- 14 branch 2 & 3 structural application inspections.
- 60 agricultural records inspections.
- 20 illness/complaint investigations.
- 240 PCB, PCA and pilot registration and structural annual notifications.
- 20 private applicator certifications.
- 3-4 outreach/continuing education/industry meetings.
- 115 hours spent on Marin County Integrated Pest Management and the IPM Commission.
- 25 compliance actions.
- 3-5 civil penalties.
- 200 hours in field surveillance.

A. Restricted Materials Permitting

Permit Evaluation-Process Evaluation and Improvement Planning

Permit Evaluation

Our main goal for improvement is to identify and map all organic sites within the county and have each Inspector aware of these sites when issuing Restricted Material Permits RMP's), especially with regards to aerial pesticide applications.

Weaknesses

- Map quality is improving but continues to need improvement;
- Inspectors need to become more familiar with the ranchers, growers, and location of sensitive sites in Marin;

- Our private applicators having to take DPR's Private Applicator's Exam that has numerous questions and scenarios that rarely apply to situations in Marin, ie. Worker Safety questions that incur a high rate of incorrect answers for the majority of permittees when only a handful actually have employees. In addition it would be a much more effective learning tool for our ranchers if we could use a sample 2,4-D label for the exam instead of the organophosphate Guthion insecticide label as virtually no private applicators use that type of pesticide in Marin and almost every Restricted Materials Permit issued to a private applicator in Marin is for the herbicide 2,4-D.

Strengths

- Marin County is improving our RMP program to enhance the protection of people and the environment while allowing for effective pest control.
- All of our inspectors are licensed in pesticide regulation, investigation and environmental monitoring and integrated pest management (IPM) (one inspector still needs to obtain IPM), and considered qualified representatives of the Commissioner to issue restricted material permits.
- Permits are issued only to qualified property operators or documented representatives.
- Our Restricted Material Permits could be issued for three years but instead are issued for a time period of 1 year to assure frequent contact with ranchers and growers.
- Many permits issued in Marin are for the herbicide 2,4-D. During the permit issuing process inspectors review the location of the sites and condition permits accordingly with respect to local vineyards, organic sites, and other sensitive sites. This ties in with our enhancement of maps using GIS to identify these sensitive sites and printing out large maps on the plotter for easier reference.
- During the permit issuing process staff reviews compliance history and discusses necessary changes with supervising inspector, when necessary, to mitigate future non-compliances.
- During permit issuing process (or headquarters records inspections) staff compares Notice of Intent (NOI's) submitted with pesticide use reports (PUR's) submitted.
- Review NOI's submitted to assure we thoroughly and consistently identify and evaluate all hazards of proposed applications, namely timing and location of applications, placing special emphasis on aerial applications.
- Assess value or success of the permitting process and implement improvements as needed.

Goals or Objectives

- Marin County is committed to improve the evaluation and issuance of restricted material permits and will focus on the following areas to accomplish this:
 1. Revise our checklist for staff to refer to when issuing permits/OPID's;
 2. Stress completeness of permit issuance;

3. Continuing in our goal of geographic information system (GIS) enhancement of the restricted materials permit program. We are currently integrating GIS mapping and spatial analysis with the existing permit program using the 9.0 version of Arc View and have currently completed about 95% of this project. We have created a base layer used to digitize grower's sites and will be able to identify such things as roads, soil types, assessor's parcels, land use, hydrology, topography, organic growers, vineyards, weed sites, lamb kills by coyotes, etc...;
4. Continuing with the improvement of the quality of ranch site maps;
5. Revise our overview handout for ranchers that summarizes laws and regulations;
6. Train staff on the use of the GIS system;
7. Develop maps showing organic sites and other sensitive sites;
8. Include more staff in the issuing of RM permits to private applicators;
9. Require ranchers to begin reporting their pesticide use on pastures on the production agriculture PUR form, rather than the monthly summary;
10. Obtain rancher/grower email addresses for future mailings of educational material such as weed ID and control, continuing education, crop statistics, etc...;
11. Working more closely with Marin's Information System Technology Dept. on improving our web site to make it more user friendly. The goal is to provide more information and helpful links and to make industry more aware of our site. Our computer inspector is currently out on family leave, so this project may be delayed.
12. Supervising Inspector to review all Restricted Material Permits and Operator Identification Numbers issued.
13. Revise the phenoxy herbicide Restricted Material Permit Conditions to increase to 48 hours the notice of intent for aerial applications as well as establish buffer no spray zones around organic plantings (50 feet for ground applications and 300 feet for aerial applications- these figures are strongly urged for application of non-restricted materials too), as well as requiring ranchers to notify their neighbors of upcoming aerial restricted material applications. As Marin's acres of organic sites grow, ranchers will be made aware of where these organic sites are located.
14. Three more inspectors will become involved in our annual Restricted Materials Permit issuance days at the fire stations, thereby increasing the total involved to six.
15. Create a general public notice to the residents in west Marin, alerting them of the time period when aerial spraying of herbicides to pastures is likely to occur.

Deliverables

- Evaluate all permits for adverse environmental impacts;
- Approve, deny, condition permits as necessary;
- Record and evaluate NOI's;

- Maintain and improve PUE program where necessary based on staff resources and levels of experience;
- Maintain permit review process, identify permit issuance weaknesses and address problem areas with staff training;
- Awareness of organic farming and sensitive sites;
- Surveillance of dead and dying weeds on ranch lands, identifying the rancher and cross checking with submission of NOI's and use reports;
- Revise our Notice of Intent notebook

Measure of Success

- Fewer errors in the permit issuance process;
- Higher quality maps in each permit;
- Ability to gather and use information obtained by the permit enhancement GIS program;
- Increased staff abilities;
- More uniform enforcement;
- Improved ability of staff to make sound decisions with regards to approval of NOI's and permit conditions;
- Ability to query the RM Permit program of rancher pesticide use by extracting information from the production agriculture PURs.
- Decrease probability of problems in the field
- Higher staff and rancher awareness of location of organic sites.

Site Monitoring Plan

Site-Monitoring Plan Development

Generally the pre application site inspections are conducted by one of two inspectors. Inspectors conducting pre application site inspections will increase from two to six.

- Non-agricultural restricted material permit applications are inspected once per year. Marin may have anywhere from zero to three non-agricultural permits issued. Often the restricted material the permit was issued for is not applied.
- A minimum of 5% of the sites identified in NOI's will be monitored.
- Marin County is currently integrating GIS mapping and spatial analysis with the existing permit program. This project will ultimately enhance our current knowledge of local conditions, and locations of vineyards, organic growers and other sensitive sites and allow us to more thoroughly select pre application site inspections
- Increase pre application site inspections near organic farming sites

Goals or Objectives

- Marin is committed to implementing appropriate measures that ensure a pre-application site inspection plan that takes into consideration pesticide hazards, local conditions, weather patterns, and permittee compliance histories.

- Most NOI's submitted are by ranchers for the herbicide 2,4-D to be used for spot spray control of thistles in pasture and rangeland. Targeted sites for pre-application site inspections are those where this herbicide is to be used.
- Focus on the season, and the location of vineyards within Marin and Sonoma counties with regard to grape bud break, 2,4-D NOI's and the targeting of sites for pre-application site inspections.
- Focus pre-applications site inspections near organic farming sites
- Continuing in our goal of geographic information system (GIS) enhancement of the restricted materials permit program. We are currently integrating GIS mapping and spatial analysis with the existing permit program using the 9.0 version of Arc View and have currently completed about 95% of this project. We have created a base layer used to digitize grower's sites and will be able to identify such things as roads, soil types, assessor's parcels, land use, hydrology, topography, organic growers, vineyards, weed sites, lamb kills by coyotes, etc...;

Deliverables

- Maintain 5% or more pre-application site inspections.
- Increased pre-application site inspections near organic sites.
- Evaluate effectiveness of pre-application site inspections and implement improvements where needed.

Measure of Success

- Compliant restricted material applications with minimal impacts, a high level of compliance, and effective control of target pests.

B. Compliance Monitoring

Comprehensive Inspection Plan

Comprehensive Inspection Plan

- Evaluate program to ensure we handle situations based on risk levels which include but are not limited to: review of non-compliance history, pesticide episode occurrences, pesticide use activities, and complaints.
- Assessing management involvement in program activities.
- Marin's inspection program evaluation reveals that 100% of our Headquarter inspections are scheduled. The remaining inspection activities are unscheduled.
- The majority of the complaints we receive are for pesticide applications made by Ag/Structural PCO's in residential settings: ie; notification, odor.
- The current compliance monitoring weaknesses are:
 1. Follow up tracking is in place, however, follow up inspections could be more timely
 2. Inspectors are aware of Enforcement Response (ER) however, they could be taking more of an active role in referring to ER, decision report writing, and compliance history when non-compliances are noted

- The current compliance monitoring strengths are:
 1. An annual permit/OPID cycle to update ranchers on new issues, laws and regulations;
 2. Variable frequency of inspection plan of headquarter and business records that enables us to concentrate inspection efforts on permittees with higher risk activities or a history of non-compliance. All permittees/OPID holders are initially placed on a three year inspection cycle. If non-compliances are noted, the frequency of inspection is moved up to one year and remains there until repeated compliance is achieved. Several growers remain on one year inspection frequency due to handler and field worker employees;
 3. All home based PCA's, PCO's, permittees and OPID holders are entered in an Access database which tracks when records inspections are due. Inspections that are due are split up between staff members, based on levels of experience and expertise;
 4. Increased compliance monitoring inspections for aerial applications that occur in Marin County, whether restricted or non-restricted.
 5. An effort to include more ranchers and growers in the Marin Sonoma Weed Management Area, thereby including them in a group that provides information and workshops teaching multiple means of controlling noxious, invasive weeds, such as mowing, timing, hand pulling, fencing, pasture rotation, etc... This meshes well with the growing acreage of sustainable, organic farming operations in Marin County.

Goals or Objectives

- To increase compliance in regards to pesticide laws, regulations and label.
- Refocus staff resources to address areas identified as weaknesses in program.
- Refocus work activities to meet the level of enforcement needed to areas identified as a risk.
- Management will continue monitoring staff and completed inspection sheets to identify areas of staff deficiency and program effectiveness and implement improvements as needed.
- Perform a greater number of structural and residential pest control pesticide use inspections (one inspector out on leave –achieving higher numbers may be difficult).
- Develop a layer within the GIS database to map properties and track complaints and illness investigations, map sensitive site locations such as schools and endangered species, waterways, organic sites, etc...
- Road sentries provided by the rancher will be required for aerial applications of 2,4-D within 300 feet of public roads
- Make neighboring ranchers and the aerial Pest Control Operator aware of the locations of the growing number of sustainable organic sites.

Deliverables

- The supervising PUE inspector will completely review all inspection reports and activities. All non-compliances will be tracked and followed up upon as required and will be reviewed by the supervising inspector.
- Based on our inspection program evaluation the following inspection goals were determined:

PRE APPLICATION SITE	5%
APPLICATION	
PROPERTY OPERATOR	10
AG PCO	10
FIELD WORKER SAFETY	2
MIX/LOAD	
PROPERTY OPERATOR	2
AG PCO	3
AG BUSINESS RECORDS	9
AG PCO HEADQUARTERS	those w/ee' s
DEALER	3
PCA	registered home based
HEADQUARTER PRODUCTION AG	31
HEADQUARTER OTHER	12
FUMIGATIONS BRANCH 1	14
APPLICATION	
BRANCH II	15
BRANCH III	5
MIX/LOAD	
BRANCH II	2
BRANCH III	2
HEADQUARTER STRUCTURAL	those w/ee' s
BUSINESS RECORDS STRUCTURAL	3

Measure of Success

- A decrease in non-compliances found in the long run, however, striving to increase the effectiveness of our compliance activities by further refining targeted inspection strategies may in the short term, increase the number of non-compliances identified.
- Enhanced protection of human health and the environment.
- Increased awareness by all of organic and sensitive site locations.

Investigation Response and Reporting Improvement

Investigation Response and Reporting

- Marin conducts about 10 to 20 investigations a year. The majority are antimicrobial illness investigations, or complaints regarding pesticide use. In fiscal year 2004/2005 we had 1 priority involving pool chlorine.
- All investigations are logged and assigned to inspectors on a rotating basis.
- All PEIR forms are contained on a computerized template and information is entered directly into the computerized version.

- Marin has imposed an internal 60 day completion schedule for assigned investigations. The lead PUE inspector logs the investigation at the time it is received and notes and tracks the 60 day completion goal.
- Investigations are conducted and completed according to the legal authority and responsibility and cooperative agreement between DPR, CACASA, and USEPA.

Goals or Objectives

- The primary goal of pesticide use investigations is to determine if any non-compliances of the CAFAC, CCR, B&P Code, and the Structural Act have occurred and to document and determine the circumstances contributing to the incident and to mitigate problems and take appropriate action when necessary.
- Pending enforcement/compliance action should not delay submission of investigative report.
- We will continue to evaluate cause of violations and justify type of action taken.
- Continue to identify suspected causal violations discovered during investigations and take appropriate action when necessary.
- Based on information received in evaluation process of complaint handling CAC will implement improvements as needed.
- Increase the use of digital cameras to take advantage of digital technology.
- Use findings of investigations as staff training tools.

Deliverables

- Timely submission of accurate, complete investigative reports.

Measure of Success

- Timely submission of accurate, complete investigative reports.
- Maintain low number of returned/incomplete investigations (since 1997, Marin CAC has not had any investigations returned for errors or incompleteness)
- Increased staff knowledge by sharing of investigative findings.

C. Enforcement Response

Enforcement Response Evaluation

Weaknesses

1. Marin has implemented and currently following Enforcement Response (ER). Inspectors are aware of ER but need to become more involved in evaluating enforcement history and tying it in with Enforcement Response.
2. Enforcement Response has begun to add more time and work for staff, without the added benefit of an increased number of inspectors.
3. The timeliness of follow ups needs to be improved and this will be made a key focus area.
4. Need to form a committee to meet as needed to address and plan for enforcement and compliance actions.

Strengths

1. Our enforcement program is fair, consistent and timely. Emphasis is to detect and deter repeat violators through both compliance monitoring and enforcement response.
2. The time period of when the CAC is notified of a pesticide incident to the completion of the investigation to protect against compromised evidence is timely.

Goals or Objectives

- Marin County will ensure compliance by responding appropriately to all violations and following Enforcement Response. We have implemented necessary changes to insure enforcement/compliance actions are rendered fairly, consistently, and timely. Our goal is to obtain compliance and increase awareness. Education remains a key component of pesticide compliance. Locally, Marin is committed to providing information and services to help growers and pesticide applicators stay in compliance with labels, laws and regulations and taking the time to meet and explain with industry members.
- Improve compliance history tracking by developing a history form to place on the front folder in each file.
- Ensure inspector/deputy evaluation discussions occur with regards to future compliance actions on inspection sheets with boxes checked “no,” taking into consideration past history.
- Improve uniform enforcement by forming a staff enforcement review group consisting of the supervising inspector, deputy, and investigating inspector that meets as needed to:
 1. Set procedure;
 2. Discuss compliance actions for merits of further enforcement action;
 3. Ensure enforcement uniformity;
 4. Document in writing the reasons for or against taking further enforcement action.
- Improve the NOPA tracking system:
 1. Include uniform tracking of all NOPA’s, not just PUE cases;
 2. Improve our tracking system so that a copy of all NOPA’s mailed out are kept in one location and given to the designated NOPA tracker for safe keeping, tracking, and quick retrieval.

Deliverables

- Violators are placed on an increased frequency of inspection schedule.
- Improved compliance tracking.
- Uniform, timely, and effective enforcement.

Measure of Success

- Overall increased compliance.
- Fair, consistent, structured, and timely enforcement.

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